

Appl. No. 10/082,691  
Reply to Office Action of June 24, 2004

### Remarks

#### Introduction

The above-identified application has been carefully reviewed in light of the Office Action mailed June 24, 2004, which included a final rejection of the pending claims, and the Advisory Action mailed September 3, 2004. A response to the Office Action was submitted on August 24, 2004. This Amendment is being submitted within THREE MONTHS of the mailing date of the Final Office Action. Applicant submits that the amendments and remarks included herein show the present claims to be allowable and do not raise new issues. Therefore, applicant respectfully requests that this Amendment be entered.

Claims 1-9, 12, 17-19, and 22-27 were pending. By way of this response, claims 1 and 22 to 26 have been amended, and claims 9 and 27 have been cancelled without prejudice. Support for the amendments to the claims can be found in the application as originally filed, and no new matter has been added. Accordingly, claims 1-8, 12, 17-19, and 22-26 are pending.

#### Rejections Withdrawn

In view of the Advisory Action, applicant understands that the previous rejections under 35 U.S.C. § 112, first paragraph, and under the judicially created doctrine of obviousness-type double patenting have been withdrawn.

Appl. No. 10/082,691  
Reply to Office Action of June 24, 2004

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-9, 12, 17-19, and 22-27 remain rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicant respectfully disagrees that these claims are indefinite and traverses the rejections. However, to advance the prosecution of the subject application, claims 1 and 22-26 have been amended, and claim 9 has been cancelled.

Claim 1 and claims 22-26 have been amended to specify the amount in units or units/kilogram of the agent that is administered to the patient.

In view of the above, applicant submits that the claims satisfy the requirements of 35 U.S.C. § 112, second paragraph, and respectfully requests that the rejection of the present claims based on this statutory provision be withdrawn.


Appl. No. 10/082,691  
Reply to Office Action of June 24, 2004

Conclusion

In conclusion, applicant has shown that the present claims satisfy the requirements of 35 U.S.C. § 112. Therefore, applicant submits that the present claims, that is claims 1-8, 12, 17-19, and 22-26 are allowable. Therefore, applicant respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,

Date: September 21, 2004

  
Frank J. Uxa  
Attorney for Applicant  
Registration No. 25,612  
4 Venture, Suite 300  
Irvine, California 92618  
(949) 450-1750  
(949) 450-1764 Facsimile